

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

THE ESTATE OF ELEANOR NORTINGTON, )

Plaintiff, )

v. )

CITY OF INDIANAPOLIS AND INDIANAPOLIS )

METROPOLITAN POLICE DEPARTMENT AND )

JOHN DOE, POLICE OFFICERS 1-50 IN THEIR )

INDIVIDUAL AND OFFICIAL CAPACITIES, )

AND MT. CALVARY APOSTOLIC CHURCH, )

INC., )

Defendants. )

Case No. 1:21-cv-406

**NOTICE OF REMOVAL**

The Defendants, City of Indianapolis and Indianapolis Metropolitan Police Department (“Defendants”), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, file their notice that this case has been removed from the Marion County Superior Court, Cause Number 49D02-2101-CT-002698, to the United States District Court for the Southern District of Indiana, Indianapolis Division. In support of this notice, Defendants state:

1. On January 26, 2021 Plaintiff filed a Complaint in the Marion County Superior Court against the Defendants which alleged in part that they “violat[ed]...Ms. Northington’s Fourth and Fourteenth Amendment Rights.”

2. This Court has original jurisdiction over civil actions arising under the Constitution and laws of the United States. 28 U.S.C. § 1331. Thus, this Court has original

jurisdiction over this civil action because Plaintiff's claims arise under the Constitution and laws of the United States.

3. Defendants may remove this civil action because it was brought in State court when this Court had original jurisdiction over this action. *See* 28 U.S.C. § 1441(a).

4. Further, this Court has supplemental jurisdiction over Plaintiff's state-law claims. 28 U.S.C. § 1367.

5. Indeed, federal law grants Defendants the option of removing an entire action when this Court has original jurisdiction over the action. *See* 28 U.S.C.A. § 1441(c).

6. This notice of removal is being filed within 30 days of Defendants' receipt of the Plaintiff's Complaint and the Defendants shall submit copies of all process, pleadings, and orders served upon them pursuant to 28 U.S.C. § 1446(b).

7. There are currently no pending motions.

8. The Co-Defendant Mount Calvary Apostolic Church, Inc. (the "Church"), consistent with § 1446, provides explicit consent to the removal of this action from Marion Superior Court to the United States District Court for the Southern District of Indiana. Counsel for the Church authorized the Defendants' counsel to sign this notice of removal on his behalf. Thus, all Defendants sued in this action consent to removal.

WHEREFORE, the Defendants, City of Indianapolis and Indianapolis Metropolitan Police Department hereby remove this civil action from the Marion County Superior Court, Cause Number 49D02-2101-CT-002698 to the United States District Court for the Southern District of Indiana, Indianapolis Division.

Respectfully submitted,

OFFICE OF CORPORATION COUNSEL

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and

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*Attorney for Defendant Mount Cavalry Apostolic  
Church*

**CERTIFICATE OF SERVICE**

I certify that this document was electronically filed on February 22, 2021. The same day, the following non e-filing users were served via United States Postal Service:

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